Remarks

Claims 1-20 have been amended to delete unnecessary parenthetical information. No new matter has been added, and no new material presented that would necessitate an additional search on the part of the Examiner.

Upon entry of this Amendment and Response, claims 1-20 remain pending.

Rejections Under 35 U.S.C. 102(b)

Claims 1-20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,875,448 (Boys). Applicant respectfully traverses.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Manual of Patent Examining Procedure* § 2131 (8th ed., Rev. 4, Oct. 2005), citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). Thus, the standard for rejection under 35 U.S.C. § 102 is identity.

The following factual analysis shows that Boys is not the same as the subject matter of the Applicant's claimed invention.

Boys discloses an audio editor which allows a user to voice record and voice edit prior to transcription. Boys does not disclose or even contemplate Applicant's claimed audio data reproducing system which is capable of replaying stored audio data in a forward mode and in a reverse mode. Specifically, Boys does not disclose or suggest the replaying of stored audio data in a reverse mode. The Examiner suggests that Boys discloses this element of Applicants claimed invention at col. 3, line 67 – col. 4, line 3. This is not the case however. Boys discloses the use of a two-direction input device wherein moving the input device in one direction moves a pointer toward the beginning of a file, and moving the input device in the other direction moves the pointer toward the end of a file (Boys, col. 3, line 65 – col. 4, line 3). Boys nowhere discloses an arrangement which allows the replaying of stored audio data in a reverse mode, as claimed in Applicant's invention.

Additionally, Boys does not disclose an arrangement or method wherein a control means is set up in such a way that during a playback of audio data in reverse mode, starting from the particular momentary replay position in the audio data, it automatically initiates a backward jump counter to the forward sequence over a return distance corresponding to the length of at

least roughly tow words, to a target position, and then, starting from the particular target position, initiates a replay of audio data in the forward sequence of just one part of the return distance. The portion of the disclosure cited by the Examiner, i.e. col. 12, lines 30-41, and lines 52-67, fails to describe or suggest this element of Applicant's invention. Boys describes a jogging wheel which, through manual manipulation, moves a pointer towards the beginning or end of a file. Boys nowhere discloses or suggests the automatic initiation of a backward jump counter as claimed in Applicant's invention.

The legal standard for rejection under 35 U.S.C. §102 is identity. As shown above, Boys is not the same as the subject matter of Applicant's claimed invention (e.g. Claim 1). Claims 2-7 depend directly or indirectly from independent Claim 1, and incorporate the subject matter of this claim and contain additional subject matter. Thus, because Claim 1 is not anticipated by Boys, claims 2-7 also are not anticipated by this reference.

For the same reasons discussed above with respect to Claim 1, Boys also fails to disclose or otherwise suggest all of the elements of Claim 8. Specifically, Boys does not disclose or suggest the replaying of stored audio data in a reverse mode. Likewise, Boys does not disclose an arrangement or method wherein a control means is set up in such a way that during a playback of audio data in reverse mode, starting from the particular momentary replay position in the audio data, it automatically initiates a backward jump counter to the forward sequence over a return distance corresponding to the length of at least roughly tow words, to a target position, and then, starting from the particular target position, initiates a replay of audio data in the forward sequence of just one part of the return distance.

Claims 9-20 depend directly or indirectly from independent Claim 8, and incorporate the subject matter of this claim and contain additional subject matter. Thus, because Claim 8 is not anticipated by Boys, claims 9-20 also are not anticipated by this reference.

Accordingly, for the reasons stated above, Applicant respectfully assert that claims 1-20 are novel in view of Boys, and respectfully requests withdrawal of the Examiner's rejection under 35 U.S.C. §102(b).

Summary

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance, which is respectfully requested.

If there are any questions regarding these remarks, the Examiners are invited and encouraged to contact Applicant's representative at the telephone number provided.

Respectfully submitted,

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